

REMARKS/ARGUMENTS

In response to the Office Action dated June 10, 2005, claims 1 and 6 are amended. Claims 1-9 are now active in this application. No new matter has been added.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claim 6 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner notes that “said input section” and “said operation inputs” lack clear antecedent support. By this response, claim 6 is amended to depend from claim 3 where these features are first recited. Therefore, it is respectfully urged that the rejection be withdrawn.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103

I. Claims 1, 4 and 6 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ray (USPN 6,192,257).

Claims 1-5, 7 and 8 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nishimura et al. (USPN, 6,734,914).

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishimura et al. in view of Ueyama (USPN 6,078,440).

II. Ray is directed to a wireless communication terminal arranged for receiving and transmitting large amounts of data in a wireless communication system, including voice data and image data. However, in the embodiment depicted in FIG. 1 of Ray, the mobile radio telephone set 200 comprises a handset unit 201 with an RF antenna 202, a keypad 203 and a dial display 204. The mobile radio telephone set 200 also comprises a separate portable base unit 205, which

has a display 210 for showing a received visual image as well as a camera 211 for capturing a visual image for transmission to a remote display device. The embodiment shown in FIG. 5 of Ray depicts a mobile radio telephone set 500 that comprises a handset unit 501 with an RF antenna 502. The mobile radio telephone set 500 also comprises a camera display module 505 connected to the handset unit 502 by use of a motorized retractable arm 514 for adjusting the distance between a user of the handset unit 501 and the camera-display module 505. Included in the camera display module 505 is a display 510 for showing a received visual image. Connected to the camera-display module is a camera 511 for capturing a visual image for transmission to a remote display device (not shown) through the radio frequency communication with the cellular base station 102. The camera is usable to acquire images of the user, while the display 510 provides real-time images of the person on the other side of the line, but could provide the image of the set user or his/her surroundings (i.e., to display the transmitted image as opposed to the received image).

Thus, it is clear that Ray does not disclose or suggest that the hand set includes a display that displays various information including information associated with the voice data *and information associated with the image data*. More specifically, Ray only discloses that the display used for the image data is to be separate from the hand set used for providing voice data.

Nishimura et al. is directed to an image recording unit which can pivot an image recording unit main body in the direction of a photographing object like the behavior of an eyeball, and a camera having the image recording unit. The Examiner notes that “transmitting and receiving information is established among internal components for receiving and transmitting information to control movement of an image pickup. Thus, it is clear to the Examiner that Nishimura et al. does **NOT** disclose a portable terminal for transmitting and

receiving information *to and from the portable terminal, the information including voice data and image data, the portable terminal.*

To expedite prosecution, claim 1 is amended to recite, *inter alia*:

A portable terminal for transmitting and receiving information to and from the portable terminal, the information including voice data and image data, the portable terminal comprising:

a main body, the main body including a casing and a display surrounded by the casing, the display configured to display various information including information associated with the voice data and information associated with the image data;...

Ray does not disclose or suggest that the portable terminal (the hand set) includes a display that displays voice data and information associated with the image data, and Nishimura et al. does not disclose a portable terminal for transmitting and receiving information to and from the portable terminal including voice data and image data.

Regarding claim 6 (now depending from claim 3), the Examiner indicates that Ray discloses a switching section for realizing switching between an operation mode (when the camera is attached to the display module 505) for allowing the input section of a telephone to receive operation inputs with respect to the image pickup unit and a communication mode (when the camera is detached from the display module 505) for allowing the input section of the telephone to receive operation inputs related to information communication.

However, Ray fails to disclose or suggest the input related to the image capture operation by the camera 511, especially the input related to the rotation of the camera 511. Ray merely discloses, at column 10, lines 8-10, that "The camera may also be detached from the camera display module 505 if needed, for example, when the cellular telephone is used to access the Internet". Thus, Ray fails to disclose or suggest the switching between an operation mode for allowing the input section of a telephone to receive operation inputs with respect to the image

pickup unit and a communication mode for allowing the input section of the telephone to receive operation inputs related to information communication, according to whether the camera is attached to or detached from the display module 505.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention such that the identically claimed invention is placed into possession of one having ordinary skill in the art. *Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F.3d 1339, 200 U.S. App. LEXIS 6300, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994).

The above noted differences between the claimed device vis-à-vis the devices of Ray and Nishimura et al. undermines the factual determination that either Ray or Nishimura et al. identically describes the claimed inventions within the meaning of 35 U.S.C. § 102. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).

Applicants, therefore, submit that amended independent claim 1, as well as dependent claims 2-9 are patentable over both Ray and Nishimura et al. Therefore, the allowance of claims 1-9, as amended, is respectfully solicited.

NEW CLAIMS

New claims 10-13 are submitted. New independent claim 10 is directed to a portable terminal operable in an image pickup mode and a communication mode, and comprising an image pickup unit freely pivotable. In the claimed portable terminal, an input member receives

pivotal operation inputs to the image pickup unit in the image pickup mode, and receives operation inputs related to information communications in the communication mode.

As previously noted, Ray fails to teach or suggest the input related to the image capture operation by the camera 511, and in particular, an input member which receives pivotal operation inputs of the image pickup unit (camera 511). Nishimura et al. also fails to disclose or suggest that an input member receives pivotal operation inputs to the image pickup unit in the image pickup mode, and receives operation inputs related to information communications in the communication mode, as recited in new independent claim 10.

For the above reasons, new independent claim 10 is patentable over Ray and Nishimura et al., considered alone or in combination, as are new claims 11, 12 and 13, depending from new independent claim 10. Consequently, the allowance of new claims 10-13 is respectfully solicited.

CONCLUSION

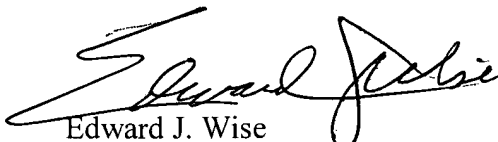
Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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